

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 4160 of 1993

Between:

Durga Prasad S/o late Sukhdev Prasad, H.No.20-3-731, Shahgunj,
Hyderabad

..... PETITIONER

AND

The Commissioner Vikarabad Municipality, Vikarabad, Ranga Reddy Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of writ of certiorari to call for the file No.A/714/85 from the respondent and quash the impugned order dated 4-2-1993 claiming enhancement of yearly property tax at Rs.20,824.70 in respect of premises No.4-3-85 to 4-3-107 situated at Vikarabad as illegal, arbitrary.

Counsel for the Petitioner:MR.VIJAY KUMAR HEROOR, Advocate.

Counsel for the Respondent : Mr.Gopala Rao Shinde (SC for MCH).

The Court made the following :

ORDER : (per Sri Bilal Nazki, J)

Heard learned Counsel for the petitioner.

The notice dated 04.02.1993 making a demand for payment of property tax of Rs.1,07,143.50 ps. has been challenged in this Writ Petition. It appears from the Writ Petition and the notice impugned that the petitioner had challenged the same demand by way of another Writ Petition being Writ Petition No.4243 of 1985. That Writ Petition has been dismissed and thereafter, the respondent sent the demand on 04.02.1993. We have not been even given the copy of the demand, which has not been annexed to the material papers of the Writ Petition. But in Para 3 of the Writ Petition affidavit, it is stated that the High Court had allowed him to file an appeal. On his own admission, he had not filed any appeal. He states that after the Writ Petition was disposed of, he filed an application on 22.8.1988 and requested the authorities to consider his earlier objections as appeal, which was not decided. Objections filed to some notice in 1985 could not be construed to be an appeal. Since the order of High Court, by which the earlier Writ petition for the same cause of action has been decided and which has become final, we do not think that any cause of action survives in this Writ Petition, which is accordingly dismissed. No costs.

(BILAL NAZKI, J)

19th August, 2004.

(S.ANANDA REDDY, J)

ajr

To

1 The Commissioner, Vikarabad Municipality, Vikarabad, Ranga Reddy Dist.

2 Two C.D. copies.